

Counsel Listed on Next Page

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

FISHER INVESTMENTS, INC., a California  
corporation,

Plaintiff,

v.

MORGAN STANLEY DW, INC., a  
Delaware corporation, and DOES 1-10,  
inclusive,

Defendants.

Case No. C 07 2547 SC

**STIPULATION OF DISMISSAL  
WITH PREJUDICE**

1 JOSEPH W. COTCHETT (State Bar No. 36324)  
2 NANCY L. FINEMAN (State Bar No. 124870)  
3 COTCHETT, PITRE & McCARTHY  
4 San Francisco Airport Office Center  
5 840 Malcolm Road, Suite 200  
6 Burlingame, CA 94010  
7 Telephone: 650-697-6000  
8 Facsimile: 650-697-0577

9 SCOTT METZGER (State Bar No. 89718)  
10 ANNA F. ROPPO (State Bar No. 132680)  
11 DUCKOR SPRADLING METZGER & WYNNE  
12 3043 – 4th Avenue  
13 San Diego, CA 92103  
14 Telephone: 619-209-3000  
15 Facsimile: 619-209-3043

16 Attorneys for Plaintiff  
17 Fisher Investments, Inc.

18 TRISH M. HIGGINS (State Bar No. 119215)  
19 ORRICK, HERRINGTON & SUTCLIFFE LLP  
20 400 Capitol Mall, Suite 3000  
21 Sacramento, CA 95814-4497  
22 Telephone: 916-447-9200  
23 Facsimile: 916-329-4900

24 MICHAEL D. WEIL (State Bar No. 209056)  
25 ORRICK, HERRINGTON & SUTCLIFFE LLP  
26 The Orrick Building  
27 405 Howard Street  
28 San Francisco, CA 94105-2669  
Telephone: 415-773-5700  
Facsimile: 415-773-5759

Attorneys for Defendant  
Morgan Stanley & Co., Inc.  
(f/k/a Morgan Stanley DW, Inc.)

1 IT IS HEREBY STIPULATED, pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii),  
2 that all claims asserted in this case by Plaintiff are hereby dismissed with prejudice and, further,  
3 that all parties shall bear their own costs and fees.

4 SO STIPULATED.

5 Dated: April 24, 2008

JOSEPH W. COTCHETT  
NANCY L. FINEMAN  
COTCHETT, PITRE & McCARTHY

7 SCOTT METZGER  
8 ANNA F. ROPPO  
9 DUCKOR SPRADLING METZGER & WYNNE

10 By: /s/ Scott Metzger  
11 Scott Metzger  
12 Attorneys for Plaintiff  
Fisher Investments, Inc.

13 Dated: April 24, 2008

14 TRISH M. HIGGINS  
15 MICHAEL D. WEIL  
16 ORRICK, HERRINGTON & SUTCLIFFE LLP

17 By: /s/ Michael D. Weil  
18 Michael D. Weil  
19 Attorneys for Defendant  
20 Morgan Stanley & Co., Inc.  
(f/k/a Morgan Stanley DW, Inc.)

21 I hereby attest that the concurrence in the filing of this document has been obtained from  
22 Scott Metzger, Attorney for Plaintiff, Fisher Investments, Inc.



By: /s/ Michael D. Weil  
Michael D. Weil  
Attorneys for Defendant  
Morgan Stanley & Co., Inc.  
(f/k/a Morgan Stanley DW, Inc.)